

IRVIN WALL

IBLA 82-1047

Decided November 16, 1982

Appeal from the decision of the Oregon State Office, Bureau of Land Management, rejecting in part noncompetitive oil and gas lease offer OR 29030.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
First-Qualified Applicant

A junior over-the-counter noncompetitive oil and gas lease offer is properly rejected where the lands have been leased to a senior offeror and the junior offeror incorrectly alleges that the senior offeror had not identified the proper county in describing the land.

APPEARANCES: Irvin Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Irvin Wall has appealed from the June 7, 1982, decision of the Oregon State Office, Bureau of Land Management (BLM), rejecting in part oil and gas lease offer OR 29030, to the extent that it included land already leased to Conoco, Inc., OR 27266. Conoco's offer was filed on June 10, 1981. Wall's offer was filed on August 24 of that year. The lease to Conoco was issued on April 28, 1982, effective May 1, 1982.

[1] In his statement of reasons, Wall claims that the land in issue is located in Wasco County and that Conoco's offer erroneously indicated the acreage to be in Jefferson County. In Irvin Wall, 67 IBLA 301, 302 (1982), we indicated that identification of the county where the described land lies is an added convenience found on the offer form. In the instant case, however, appellant has his facts wrong. The land at issue is in Jefferson County, not Wasco County as appellant contends. Conoco's offer indicated the correct county. Wall's offer did not. Under 30 U.S.C. § 226(c) (1976), a noncompetitive oil and gas lease may be issued only to the first-qualified applicant, and a junior offer is properly rejected to the extent that it includes land in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective. Wall's offer was properly rejected.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Will A. Irwin
Administrative Judge

James L. Burski
Administrative Judge

